

REMARKS

This amendment is being filed to supplement an amendment filed on 11 April 2008. In a Notice of Non-Compliant Amendment dated 9 July 2008, the Office notes that claim 18 included new text that was not indicated by underlining. By this response, Applicant has corrected the text of claim 18 to correctly denote the added text. As a result, Applicant respectfully submits that this amendment is now compliant, and requests prompt entry and consideration of its merits.

By this amendment, Applicant has amended claims 1, 3, 9, and 14-18. As a result, claims 1-20 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserves the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office rejects claims 14-17 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office alleges that the claims appear to be directed to a system that is made of only software instructions. Further, the Office alleges that a “database management system, which is a software system that runs on a computer”, can be a computer system. While it is unclear to Applicant how software alone can be considered a computer system under any reasonable definition of the term, Applicant has amended claims 14-17 to expressly include at least one computer. As a result, Applicant respectfully requests withdrawal of the rejection of claims 14-17 as allegedly being directed to non-statutory subject matter.

Further, the Office rejects claims 1-20 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0095401 (Redmond). In order to maintain a proper rejection under 35 U.S.C. § 102(b), the Office must show that a single reference discloses each feature of the claimed invention. Applicant submits that the Office fails to show that Redmond discloses every feature of the claimed invention.

For example, with respect to claim 1, Applicant submits that the Office fails, *inter alia*, to show that Redmond discloses selecting a handler based on an identification of a particular tracked data item included in a request received from a client as in claim 1. In support of its rejection, the Office states that “Redmond teaches selecting a handler based on how the data is stored. When a handler is being chosen it is selected based on what data item is currently being stored.” Office Action, p. 9, lines 5-6. To the extent that the Office is summarizing Redmond’s selection of an SAO based on a database corresponding to a request in Redmond, as discussed in paragraphs 0039, 0042, and 0045 of Redmond, Applicant agrees.

However, the Office goes on to state that “[i]t is noted that the claims are not claiming that a different kind of handler is being selected for each particular tracked data item nor do the claims point out the differences between the particular data items and the handlers being selected.” Office Action, p. 9, lines 6-9. Here, the Office focuses on what the claims do not state, rather than what the claims actually state. For example, claim 1 states that a handler is selected based on an identification of the particular tracked data item. In order to perform such a selection, it is inherent that the identification of the particular tracked data item is determined. Applicant has amended claim 1 to expressly include this determination.

It is irrelevant to the determination of the patentability of Applicant’s claim 1 over Redmond whether “a different kind of handler is being selected for each particular tracked data

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item” or whether “differences between the particular data items and the handlers being selected are pointed out”. The process used in selecting a handler in Applicant’s claim 1 is clearly distinct from the process used in selecting an SAO in Redmond, regardless of what Applicant is not currently claiming. In Redmond, two fields that indicate what product sent the request are used to select the SAO. Redmond, paragraph 0045. In contrast, Applicant’s claim 1 determines an identification of a particular tracked data item to select a handler. To this extent, Redmond makes the selection of the SAO without identifying the requested data, while Applicant’s claim 1 requires determining an identification of the particular tracked data item in order to select a handler.

Before continuing to discuss further what Applicant's claims do not state, the Office alleges that "[t]he claims merely state that some kind of selection for a handler is being made based on the data item." Office Action, p. 9, lines 9-10. In this statement, Applicant submits that the Office improperly reads out express limitations of claim 1, instead continuing to focus on what claim 1 does not state. In particular, in the Amendment filed on 14 November 2007, Applicant amended the relevant feature of claim 1 from "selecting a handler based on the tracked data item" (the language used by the Office and quoted above) to "selecting a handler based on an identification of the particular tracked data item". Through its discussion of Redmond, and what is not claimed by Applicant, the Office improperly reads out the additional limitations of claim 1.

In light of the above, Applicant respectfully requests withdrawal of the rejections of claim 1 and claims 2-8, which depend therefrom, as allegedly being anticipated by Redmond.

The remaining independent claims 9, 14, and 18 include similar limitations as that discussed above with respect to claim 1. As a result, Applicant also respectfully requests

withdrawal of claims 9-20 as allegedly being anticipated by Redmond in view of the remarks presented above with respect to claim 1.

With further respect to claims 3, 9 and 18, the Office fails, *inter alia*, to show that Redmond discloses selecting the handler based on identifications of the particular tracked data item and the particular client as in claims 3, 9 and 18. In response to Applicant's previously presented arguments, the Office states that "[t]he applicant 'notes that multiple clients may use the same product', but as pointed out before with respect to 'particular tracked data items', there is nothing stated in the claims that a particular client uses a different handler than every other client." Office Action, p. 9, lines 11-14. Applicant notes that the statement cited by Applicant is in support of the fact that Redmond does not identify the particular client, even through the identification of the product used by the client, as had been implied by the Office. Again, Applicant submits that the Office improperly focuses on what the claims do not state, rather than on what is actually included in the claims as compared to the teachings of Redmond.

As a result, Applicant again respectfully requests withdrawal of the rejections of claims 3, 9 and 18, and the claims that depend therefrom, as allegedly being anticipated by Redmond.

Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary and/or in Serial No. 10/734,038

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a related patent application, either of which may seek to obtain protection for claims of a potentially broader scope.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

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